



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201070 OF 2025 (L-PG)

BETWEEN:

THE ASSISTANT EXECUTIVE ENGINEER
PANCHAYAT RAJ ENGINEERING, SUB-DIVISION,
JEWARGI, DIST. KALABURAGI.

...PETITIONER

(BY SMT. ARATHI, ADVOCATE)

AND:

1. THE LABOUR OFFICER
AND THE CONTROLLING AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT 1972
KARMIK BHAVAN ITI COMPOUND BUS STAND ROAD
KALABURAGI 585102.
2. THE ASSISTANT LABOUR COMMISSIONER,
AND APPELLATE AUTHORITY UNDER THE PAYMENT
OF GRATUITY ACT 1972,
KARMIK BHAVAN ITI COMPOUND, BUS STAND ROAD
KALABURAGI 585102.
3. SHARANABASAPPA S/O BHIMARAYA,
AGE: MAJOR OCC: RETIRED GANG-MAN,
R/O YADRAMI VILLAGE, TQ. JEWARGI,
DIST. KALABURAGI

...RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1 AND R2;
SRI PRAKASH S . MAISALGI, ADVOCATE FOR R3)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, A) TO CALL FOR THE ENTIRE RECORDS FROM THE RESPONDENT NO. 1 AND 2, AND ISSUE AN ORDER OR DIRECTION IN THE NATURE OF WRIT OF CERTIORARI AND QUASH ANNEXURE-A VIZ. THE IMPUGNED ORDER OF THE CONTROLLING AUTHORITIES LABOUR OFFICER KALABURAGI UNDER THE PAYMENT OF GRATUITY ACT, 1972, KALABURGI DIVISION, KALABURGI, DATED 18-07-2023, PASSED IN CASE NO. LOO/GPA/ CR-79-2022, FIXING THE LIABILITY OF GRATUITY AT RS.5,68,412/- AND AFTER DEDUCTING RS.2,22,463/- AS GRATUITY PAID TO THE RESPONDENT NO.3, WITH SIMPLE INTEREST AT 10% PER ANNUM, WHICH WORKS-OUT TO RS.3,45,949/- ON THE SAME FROM THE DATE OF RETIREMENT VIZ., 30-07-2020, TILL THE DATE OF ACTUAL DEPOSIT. B) ISSUE A DIRECTION OR ORDER TO THE RESPONDENT NO.1 & 2 FOR STAY THE PAYMENT OF ADDITIONAL DEPOSITED GRATUITY AMOUNT BY THE APPELLANT TO THE RESPONDENT NO.3 UNTIL THE FINAL DISPOSE OF THIS CASE. C) FURTHER, IN CASE THE RESPONDENT NO.1 AND 2 HAVE RELEASED THE AWARDED GRATUITY AMOUNT AND INTEREST THEREON, THE RESPONDENT NO.1 BE DIRECTED TO REFUND RS. 3,45,949/- AND IN CASE THE RESPONDENT NO.1 DELAYS THE REMISSION OF THE AMOUNT IMMEDIATELY, THE SAME BE DIRECTED TO BE RECOVERED FROM HIS PENSION WITH INTEREST @ 10% PER ANNUM, AS PER THE PAYMENT OF GRATUITY ACT. D) PASS AN ORDER QUASHING THE AWARD OF INTEREST AT 10% PER ANNUM FROM THE DATE OF RETIREMENT TO THE ACTUAL



DEPOSIT AND RESTRICT THE INTEREST TO BE AWARDED ONLY FROM THE DATE OF FILING OF THE APPLICATION BEFORE THE RESPONDENT NO.1 TO THE DATE OF DEPOSIT BY THE APPELLANTS HEREIN. E) PASS ANY OTHER ORDER IN FAVOUR OF THE APPELLANTS AS MAY BE DEEMED FIT AND PROPER IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

The question that arises for consideration in this Writ Petition is:

Whether the Appellate Authority under Section 7(7) of the Payment of Gratuity Act, 1972 [for brevity, 'the Act of 1972] can condone the delay beyond the period of 120 days and entertain the appeal filed under Section 7(7) of the Act of 1972?



2. This Court in W.P.No.201246/2024 has considered the aforesaid question and has answered in the negative.

3. In view of the aforesaid, this writ petition is disposed of in terms of the order passed in W.P.No.201246/2024 disposed of on 17.03.2026.

4. Accordingly, the following:

ORDER

The writ petition is ***dismissed.***

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

NMS
List No.: 2 Sl No.: 10